


Honorable Hilary L. Barnes
United States Bankruptcy Judge



Entered on Docket
March 15, 2024

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re

CARL LACKEY,
Debtor.

Case No.: BK-23-50403-hlb
(Chapter 7)

**ORDER APPROVING SETTLEMENT
AGREEMENT AND MUTUAL RELEASE**

Hearing Date: March 8, 2024
Hearing Time: 10:30 a.m.

The matter came before the Court on the Motion For (1) Order Approving Settlement Agreement And Mutual Release, And (2) Dismissing Case (“Motion”). [ECF No. 65]. Jeffrey Hartman appeared on behalf of Carl Lackey who also was present in the courtroom. Luke Busby appeared on behalf of Mark Smith. Counsel for Lackey and Smith made a correction for the record, in that the Motion indicated that an attorney’s fees award from the Supreme Court Civil Action were “due and owing.” The parties clarified that this was not the case and that the attorney’s fees award at issue had been waived. No other appearances were made and no objections to the Motion were filed. As permitted by F.R.Civ.P. 52, made applicable to this proceeding by

1 F.R.Bankr.P. 7052 and 9014(c), in lieu of written findings of fact and conclusions of law, the Court
2 stated its findings and conclusion on the record. Good cause appearing,

3 IT IS ORDERED that the relief requested in the Motion and the terms of the Settlement
4 Agreement and Mutual Release attached to the Motion as Exhibit A are APPROVED; and

5 IT IS FURTHER ORDERED that within fourteen days after entry of this Order on the
6 docket, Mr. Lackey and Liberty Mutual Insurance Company are required to deliver the respective
7 settlement amounts as set forth in the Settlement Agreement and Mutual Release to Mr. Busby as
8 counsel for Mark Smith whereupon Mr. Busby and Mr. McMahon shall cause to be filed in the
9 Ninth Judicial District Action (case no. 2023-cv-00052), a joint stipulation dismissing that matter
10 with prejudice; and

11 IT IS FINALLY ORDERED that, following delivery of the settlement funds to Mr. Busby
12 for Mr. Smith, Mr. Lackey's counsel shall file an appropriate order dismissing adversary 23-05014
13 with prejudice and a separate order dismissing this chapter 7 case for cause, i.e. that all creditor
14 claims have been satisfied.

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16 Submitted by:

17 HARTMAN & HARTMAN

18 /s/ Jeffrey Hartman

19 Jeffrey Hartman, Esq. for
20 Carl Lackey

21 LUKE ANDREW BUSBY, LTD.

22 /s/ Luke A. Busby

23 Luke A. Busby, Esq. for
24 Mark E. Smith

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ALTERNATIVE METHOD Re: RULE 9021

In accordance with Local Rule 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

☐ The court has waived the requirement set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the paper.

☒ I have delivered a copy of the proposed order to all counsel who appeared at the hearing, any trustee appointed in this case and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond as indicated below.

Debtor's Counsel:

☒ Prepared / Approved the form of this order

☐ Waived the right to review the order and/or

☐ Appeared at the hearing, waived the right to review the order

☐ Matter unopposed, did not appear at the hearing, waived the right to review the order

☐ Disapproved the form of this order

☐ Did not respond to the paper

U.S. Trustee:

☐ Approved the form of this order

☐ Disapproved the form of this order

☐ Waived the right to review the order and/or

☐ Did not respond to the paper

☒ Did not appear at the hearing or object to the paper

☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order.

I declare under penalty of perjury that the foregoing is true and correct.

Submitted by:

HARTMAN & HARTMAN

/s/ Jeffrey L. Hartman

Jeffrey L. Hartman